

Judge Dismisses Charge Against Weinberger

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A federal judge yesterday dismissed the controversial charge that Iran-contra prosecutors brought against former defense secretary Caspar W. Weinberger four days before the presidential election.

U.S. District Judge Thomas F. Hogan ruled that the Oct. 30 indictment, which was supposed to replace one dismissed earlier, alleged a new crime after the five-year statute of limitations had run out.

Weinberger still faces trial Jan. 5 on four counts of lying to Congress and to Iran-contra investigators. Prosecutors said yesterday's ruling did not significantly alter the scope

of the case, but Weinberger's lawyers said it substantially undercuts the prosecution.

Accepting the arguments of Weinberger's lawyers on what the judge called "a rather novel legal issue," Hogan said "the new charge of false statement was a substantial amendment to the original charge of obstruction of Congress and broadened the charges against defendant."

Both the new and old charges related to the prosecution's allegations that Weinberger concealed from congressional investigators in a June 1987 deposition the fact that as defense secretary he regularly took notes, including details of high-level meetings and phone calls about the Iran-contra affair as it was unfolding.

The Oct. 30 indictment became a campaign issue, because it contained a previously unreleased Weinberger note about a White House meeting in January 1986 at which the sale of arms to Iran in return for U.S. hostages was discussed. The note contradicted statements by President Bush, who attended the meeting, that he had not been aware at the time that the arms sales were intended to free American hostages.

The Clinton-Gore campaign seized on the note to challenge Bush's veracity. Some Republicans said the disclosure in the closing days of the campaign helped cost Bush the election.

"This knocks the heart and soul

out of their case," Weinberger lawyer Robert S. Bennett said of yesterday's ruling.

Prosecutors took a different view. "The scope of the case hasn't changed," said spokesman Mary Belcher. "The basic allegations remain. . . ."

Weinberger is still charged with one count of lying to prosecutors about the existence of the notes and three counts of lying about developments in the Iran-contra affair when Congress was investigating the scandal.

The remaining counts, brought in June, still would permit prosecutors to use Weinberger's notes to lay out what they have depicted as his involvement in a high-level Reagan administration coverup of key aspects of the Iran-contra affair. Weinberger's lawyers have protested the breadth of the prosecution's allegations.